

This application has been reviewed in light of the Office Action dated June 24, 2005. In view of the following remarks, favorable reconsideration and withdrawal of the rejection set forth in the Office Action are respectfully requested.

Claims 1-11 and 18-25 are pending. Claims 1, 2, 5-9 and 20-24 are in independent form.

Initially, Applicant notes with appreciation that Claims 6-9, 20-22, 24 and 25 have been allowed, and that Claims 3 and 4 have been indicated as allowable if rewritten so as not to depend from a rejected claim. (It is noted that Claim 18 is indicated on the Office Action Summary Sheet as being objected to, and is not addressed in the Detailed Action. As that claim has not been rejected, Applicant understands that it is allowable if rewritten so as not to depend from a rejected claim. Clarification of the status of Claim 18 is respectfully requested.)

Claims 1, 2, 5, 10, 11, 19 and 23 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,927,871 (*Nakata*). Applicant respectfully traverses this rejection.

It is noted that the sole inventor of the subject application, namely, Kazuhiro Nakata of Inagi, Japan is also the sole inventor of U.S. Patent No. 5,927,871 (*Nakata*). Since U.S. Patent No. 5,927,871 (*Nakata*) is by the same inventive entity as the subject application, that patent is not “by another,” as required under 35 U.S.C. § 102(e). See M.P.E.P. 706.02(f) (“In order to apply a reference under 35 U.S.C. 102(e), the inventive entity of the application must be different than that of the reference.”); 2136.04 (““Another”

means other than applicants, . . . , in other words, a different inventive entity. The inventive entity is different if not all inventors are the same.”) Since U.S. Patent No. 5,927,871 (*Nakata*) does not satisfy the pertinent statutory requirements, it may not be applied as a reference under 35 U.S.C. § 102(e). Accordingly, the rejection under 35 U.S.C. § 102(e) is understood to be improper and is therefore requested to be withdrawn.

In view of the foregoing remarks, all of the pending claims are believed to be allowable and the application is believed to be in condition for allowance.

Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicant
Douglas W. Pinsky
Registration No. 46,994

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
AMZ/DWP